

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

*State of Iowa*

v.

*Abbott Laboratories Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**OCTOBER 2011 STATUS REPORT FOR THE STATE OF IOWA**

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for October 2011, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: October 3, 2011

Respectfully submitted,

**KIRBY McINERNEY, LLP**  
825 Third Avenue  
New York, New York 10022  
(212) 371-6600

By: /s/ Joanne M. Cicala  
Joanne M. Cicala

*Counsel for the State of Iowa*

## **October 2011 Status Report for the State of Iowa**

### **Summary Judgment and Daubert Motions**

On September 30, 2011, the court granted plaintiff and defendant Sandoz's emergency joint motion to extend the summary judgment and Daubert briefing schedule. *See* Docket No. 7818, Sub-docket No. 133. The order modifies the deadlines as follows: (1) Summary Judgment and/or Daubert motions are due on or before October 28, 2011, (2) all oppositions to the motions are due on or before November 30, 2011, and (3) summary judgment and Daubert motion hearing is set for February 22, 2012.

### **Voluntary Dismissal of Claims**

On April 14, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Tap Pharm. Products, Inc. n.k.a. Takeda Pharm. N.A., Inc. *See* Docket No. 7502, Sub-docket No. 112. This notice remains *sub judice*.

On April 15, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Novartis Pharmaceuticals Corp. *See* Docket No. 7505, Sub-docket No. 113. This notice remains *sub judice*.

On April 20, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendants Hoffman-La Roche, Inc. and Roche Laboratories, Inc. *See* Docket No. 7509, Sub-docket No. 115. This notice remains *sub judice*.

On September 20, 2011, the court entered an order granting plaintiff's stipulation of dismissal of claims against defendants Watson Pharmaceuticals, Inc. and Watson Pharma, Inc., f/k/a Schein Pharmaceuticals, Inc. *See* Docket No. 7801, Sub-docket No. 129.

On September 28, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Eli Lilly and Company and a notice of voluntary dismissal of claims against defendant

Endo Pharmaceuticals, Inc. *See* Docket No. 7815, Sub-docket 131; Docket No. 7816, Sub-docket 132. These notices remain *sub judice*.

**Settlement Order of Dismissal**

On July 7, 2011, the court entered plaintiff's proposed settlement order of dismissal of claims against defendants: Alpharma, Inc., Purepac Pharmaceutical Co., Eli Lilly and Company, Endo Pharmaceuticals Inc., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co., Inc., Mylan Laboratories Inc., Mylan Pharmaceuticals Inc., UDL Laboratories Inc., Par Pharmaceutical Company Inc., Par Pharmaceutical Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corporation, Watson Pharmaceuticals Inc., and Watson Pharma Inc. The order provides that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within ninety (90) days if settlement is not consummated. *See* Docket No. 7657, Sub-docket No. 122.

Plaintiff and defendants today are filing a motion to extend the settlement order of dismissal as to Alpharma Inc., Purepac Pharmaceutical Co., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co. Inc., Par Pharmaceutical Companies, Inc., Par Pharmaceutical Inc., Schering-Plough Corp., Schering Corporation, and Warrick Pharmaceuticals Corporation.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on the 3rd day of October, 2011, she caused a true and correct copy of the above October 2011 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: October 3, 2011

/s/ Kathryn B. Allen  
Kathryn B. Allen  
Kirby McInerney LLP  
825 Third Avenue  
New York, NY 10022  
(212) 371-6600